

# EXHIBIT G

DARCY BLACK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DARCY M. BLACK,

Plaintiff,

-vs-

BUFFALO MEAT SERVICE, INC., doing business  
as BOULEVARD BLACK ANGUS, also known as  
BLACK ANGUS MEATS, also known as  
BLACK ANGUS MEATS & SEAFOOD,  
ROBERT SEIBERT,  
DIANE SEIBERT,  
KEEGAN ROBERTS,

Defendants.

-----  
Examination Before Trial of  
  
DARCY BLACK, Plaintiff, taken pursuant to the Federal Rules  
of Civil Procedure, in the law offices of BARCLAY DAMON  
LLP, The Avant Building, Suite 1200, 200 Delaware Avenue,  
Buffalo, New York, taken on January 23, 2018, commencing at  
9:35 A.M., before ERIN L. COPPING, Notary Public.

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1 APPEARANCES:

2 GRECO TRAPP, PLLC,  
3 By JOSEPHINE A. GRECO, ESQ.,  
4 and DANIEL PALERMO, ESQ.,  
5 1700 Rand Building,  
6 14 Lafayette Square,  
7 Buffalo, New York 14203,  
8 Appearing for the Plaintiff.

9 BARCLAY DAMON LLP,  
10 By RANDOLPH C. OPPENHEIMER, ESQ.,  
11 and MEGAN E. BAHAS, ESQ.,  
12 The Avant Building, Suite 1200,  
13 200 Delaware Avenue,  
14 Buffalo, New York 14202,  
15 Appearing for the Defendants.

16 PRESENT: Diane Seibert  
17 Keegan Roberts  
18

19 (The following stipulations were entered  
20 into by both parties.)

21 It is hereby stipulated by and between counsel  
22 for the respective parties that the oath of the  
23 Referee is waived, that filing and certification  
of the transcript are waived, and that all  
objections, except as to the form of the  
questions, are reserved until the time of trial.

1 A. No.

2 Q. Did you ever receive an employee handbook at  
3 Laidlaw Bus Company?

4 A. Yes.

5 Q. Did you ever receive an employee handbook at TNT  
6 Bus Service?

7 A. Yes.

8 Q. Did you ever receive an employee handbook at  
9 Marriott Sodexo?

10 A. Yes.

11 Q. Did you ever receive an employee handbook when  
12 you worked for Able Transportation?

13 A. Yes.

14 Q. Did you ever receive an employee handbook when  
15 you worked for Dependable Cab?

16 A. I do not recall.

17 Q. Did you receive an employee handbook during your  
18 training for NCO Financial?

19 A. Yes.

20 Q. And did you receive an employee handbook when you  
21 worked for Mobil?

22 A. I do not recall.

23 Q. With respect to the subject of harassment, sexual

1 or otherwise in the workplace, did you receive  
2 any training at any of the employers that we've  
3 been discussing? When I'm talking about training  
4 in this sense I'm referring to a session in a  
5 room where people are discussing what sexual  
6 harassment is, what is prohibited in the  
7 workplace, how people should behave.

8 A. Yes.

9 Q. Which company or companies did that occur?

10 A. Kmart, Laidlaw, TNT and NCO.

11 Q. What was the thrust of the training that you  
12 received with respect to sexual harassment at  
13 that session at -- was it one session at Kmart?

14 MS. GRECO: Objection, form.

15 BY MR. OPPENHEIMER:

16 Q. What was the form of the training concerning  
17 sexual harassment at Kmart?

18 A. I do not recall.

19 Q. Was there more than -- did you have more than one  
20 experience at Kmart where there was training on  
21 sexual harassment?

22 A. No.

23 Q. Okay. Are you able to recall what the training

1 was like for sexual harassment at Laidlaw?

2 A. Ever year they touch base on it in a classroom  
3 with the other drivers.

4 Q. Can you recall anything about the substance of  
5 the training that you received at Kmart on  
6 subject of sexual harassment?

7 MS. GRECO: Can you just read that back.

8 (Whereupon, the above-requested question was  
9 then read back by the reporter.)

10 THE WITNESS: I do not recall.

11 BY MR. OPPENHEIMER:

12 Q. What about Laidlaw, are you able to recall the  
13 substance of any of the training concerning  
14 sexual harassment at Laidlaw?

15 MS. GRECO: Objection, form.

16 THE WITNESS: I do not recall.

17 BY MR. OPPENHEIMER:

18 Q. What was the form of the training on sexual  
19 harassment at TNT Bus Service?

20 A. I do not recall.

21 Q. What was the form of the training concerning  
22 sexual harassment at NCO Financial?

23 A. I just remember we were hired with a group of ten

1       and we all trained together and that was part of  
2       our packet of training.

3       Q. Do you recall -- so in terms of training, you're  
4       thinking about receiving a packet of information  
5       at NCO?

6       A. Yes, that they went over with us individual --  
7       like each individual page.

8       Q. Is that what they did at Kmart, they went over  
9       some written materials with you at some point on  
10      the subject of sexual harassment?

11      A. Yes.

12      Q. Is that what they did at Laidlaw, going over some  
13      written material with you on the subject of  
14      sexual harassment?

15      A. Yes.

16      Q. And is that what they did with you at TNT Bus  
17      Service, they went over some written material  
18      concerning the subject of sexual harassment?

19      A. Yes.

20      Q. Those four companies, Kmart, Laidlaw, TNT and  
21      NCO, those are the ones that you received some  
22      sort of training on sexual harassment, as you  
23      just testified. Was the subject of race



1 discrimination covered?

2 A. Yes.

3 Q. Was it covered in the same way that you've just  
4 testified about sexual harassment, meaning that  
5 they went over some written materials on the  
6 subject of race discrimination?

7 A. Yes.

8 Q. And that occurred in each of those four  
9 employers?

10 A. Yes.

11 Q. Okay. Did you ever receive any training on the  
12 subject of equal pay for equal work, meaning that  
13 men and women who are performing similar work  
14 under similar circumstances with similar skills,  
15 experience, et cetera, should be paid the same?

16 A. Yes.

17 MS. GRECO: Objection, form.

18 BY MR. OPPENHEIMER:

19 Q. Where did you receive any training on the subject  
20 of equal pay for equal work?

21 A. Kmart, Laidlaw, and NCO.

22 Q. What did the training on the subject of equal pay  
23 for equal work consist of at Kmart?

1 Q. Is cleaning the exterior of the building a job  
2 that you wanted to be trained how to do?

3 A. Yes.

4 Q. When do you think you should have been offered  
5 the opportunity to learn what they wanted done  
6 with respect to cleaning the exterior of the  
7 building?

8 A. I could have done that in 2006.

9 Q. Would that -- cleaning the exterior of the  
10 building, would that have included snow  
11 shoveling, as far as you're concerned, you wanted  
12 to learn how to do that?

13 A. I did do that.

14 Q. Did you do any of the landscaping outside?

15 A. No.

16 Q. Did you take any garbage out?

17 A. Yes.

18 Q. Okay. Were you ever given a key to the butcher  
19 shop?

20 A. No.

21 Q. Did you ever ask for a key?

22 A. No.

23 Q. Do you think you should have been given a key?

1 A. Yes.

2 Q. Who did you ask?

3 A. Diane.

4 Q. When?

5 A. I don't recall.

6 Q. Did you ask Robert?

7 A. No.

8 Q. Did you ask Keegan?

9 A. No.

10 Q. Did you ask anyone else?

11 A. No.

12 Q. Okay. Did you ask Diane, Robert, or Keegan  
13 whether you could have the opportunity to learn  
14 meat cutting at Black Angus?

15 A. No.

16 Q. Did you ask anyone else?

17 A. No.

18 Q. Did you ever ask Diane, Robert --

19 MS. GRECO: Object to form.

20 BY MR. OPPENHEIMER:

21 Q. Did you ever ask Diane, Robert or Keegan to give  
22 you the opportunity to learn how to process deer?

23 A. What part of it?

1       asked him for an opportunity to learn how to use  
2       the meat grinder?

3   A.   I don't recall at this time.

4   Q.   Okay. Did you ever ask Diane, Robert or Keegan  
5       for an opportunity to learn how to use the cuber?

6   A.   No.

7   Q.   Anyone else that you asked for an opportunity to  
8       learn how to use the cuber?

9   A.   Thomas.

10   Q.   Is that what you told us about earlier?

11   A.   Yes.

12   Q.   Okay. The same thing, when you mentioned Thomas  
13       about the meat grinder, you talked about that a  
14       little earlier, right?

15   A.   Um-hum.

16   Q.   Okay. Did you ever ask Diane, Robert or Keegan  
17       for an opportunity to learn how to use the  
18       smoker?

19   A.   No.

20   Q.   And that would include learning how to clean it  
21       as well, never asked them?

22   A.   No.

23   Q.   Did you ever ask Diane, Robert or Keegan for an

1        opportunity to learn how to make sausage, the  
2        entire process?

3        A.    No.

4        Q.    Did you ever ask Diane, Robert or Keegan for an  
5        opportunity to learn how to make jerky, the  
6        entire process?

7        A.    No.

8        Q.    Did you ever ask Diane, Robert or Keegan for an  
9        opportunity to learn how to assemble and  
10       disassemble the grinder?

11       A.    No.

12       Q.    Did you ever ask anyone else about that?

13       A.    Tommy.

14       Q.    Did you ever ask Diane, Robert or Keegan for an  
15       opportunity to learn how to assemble and  
16       disassemble the stuffer?

17       A.    No.

18       Q.    Did you ever ask Diane, Robert or Keegan for an  
19       opportunity to learn how to assemble or  
20       disassemble the cuber?

21       A.    No.

22       Q.    Did you ever ask Diane, Robert or Keegan for  
23       opportunities to learn how to clean the exterior

1 Q. Why do you believe that gender has something to  
2 do with the reason you were not given an  
3 opportunity to deliver meat to customers?

4 A. Because no females were ever trained or asked,  
5 even when I had brought it to Diane's attention.

6 Q. Any other reasons that you believe what you  
7 believe concerning that opportunity?

8 A. I believe the guys got trained and treated better  
9 than the women there.

10 Q. Your testimony is that you regularly observed  
11 that male employees received more favorable  
12 treatment than you with respect to training  
13 opportunities?

14 MS. GRECO: Objection to form.

15 THE WITNESS: Yes.

16 BY MR. OPPENHEIMER:

17 Q. Is that your testimony?

18 A. Yes.

19 Q. Do you believe that one of the reasons that you  
20 were not given an opportunity with respect to the  
21 delivery of fliers on company time had something  
22 to do with gender?

23 A. Yes, I do.

1 Q. Why is that?

2 A. Because I was capable of delivering them on my  
3 own time and I was not given the opportunity to  
4 do so with a crew of females.

5 Q. Okay. Any other reasons that you think that  
6 gender was a reason that you were not given the  
7 opportunity to deliver fliers on company time?

8 A. No.

9 Q. Do you believe that one of the reasons that you  
10 were not given the opportunity to deliver fliers  
11 on company time had something to do with race?

12 A. No.

13 Q. With respect to the opportunity to learn and  
14 engage in meat cutting at Black Angus, do you  
15 believe you were denied that opportunity because  
16 of your gender?

17 A. Yes.

18 Q. Why do you believe that?

19 A. Because I was not given the opportunity when I  
20 stressed to Tommy I was interested and he said he  
21 can't go above his authority.

22 Q. When did Tommy say that?

23 A. It was around possibly 2007 when I had interest

1       2008, and another year would have been to 2007,  
2       and then the last of the four would have been  
3       sometime back in 2006, right?

4       A. Yes.

5       Q. That's what I'm trying to figure out. When  
6       you're saying --

7       A. It was the last three years.

8       Q. Okay. So when you say three years, are you  
9       talking about any time in 2006 or are you picking  
10      up 2007?

11      MS. GRECO: Objection to form. If you understand it  
12      you can answer.

13      THE WITNESS: The end of 2006.

14      BY MR. OPPENHEIMER:

15      Q. Okay. So the end of 2006 through the end of your  
16      employment was when you were experiencing some  
17      kind of treatment at Black Angus Meats for which  
18      you received counseling?

19      A. Yes.

20      Q. Okay. What is the treatment at Black Angus Meats  
21      that you're referring to in this sentence, the  
22      discrimination?

23      A. Yes.



1 Q. Okay.

2 A. And the hostile work environment.

3 Q. Hostile work environment, the discrimination are  
4 claims in this case?

5 A. Yes.

6 Q. That's what you're saying. Okay. That has to do  
7 with the way the men were treated as opposed to  
8 the way you as a woman were treated?

9 MS. GRECO: Objection to form.

10 THE WITNESS: Towards me.

11 BY MR. OPPENHEIMER:

12 Q. Towards you. The way you were treated as  
13 compared to the way the men were treated, that is  
14 one of your claims, right?

15 MS. GRECO: Objection to form.

16 THE WITNESS: Yes.

17 BY MR. OPPENHEIMER:

18 Q. You're saying you received counseling because of  
19 that during that --

20 A. Not that specifically.

21 Q. The -- that plus the other things that you were  
22 dealing with?

23 A. Yes.

1 Q. Okay. On the top of the page it indicates it was  
2 received by the EEOC on January 3rd of 2011.  
3 Does that help you refresh your recollection?

4 A. It must have been.

5 Q. Okay. So you think you signed it on December 16  
6 of 2010 and that the EEOC time stamped it in on  
7 January 3rd of 2011, that's what that appears to  
8 show us, right?

9 A. Yes.

10 Q. Okay. Under earliest there's a block, it says  
11 date discrimination took place. It's down here.  
12 Do you see it?

13 A. Yes.

14 Q. It says the earliest, and then it's got a date of  
15 5/16/2004. Do you see that?

16 A. Yes.

17 Q. Now, is that a typo? Would that be --

18 A. Yes.

19 Q. 2005?

20 A. Yes.

21 Q. Okay. Because you didn't start your employment  
22 in 2004, you started it in May of 2005, right?

23 A. Yes.

1 A. Yes.

2 Q. Okay. On the first page of the exhibit the name  
3 of the people to whom this is addressed, the  
4 companies to whom it's addressed include Black  
5 Angus Meats a/k/a Boulevard Meats and Robert and  
6 Diane Seibert. Do you see that?

7 A. Yes.

8 Q. You did not include Keegan in your charge of  
9 discrimination, correct?

10 A. Not at this time. It wasn't on there.

11 Q. Okay. And then in the text that was written the  
12 four pages of text that are typewritten and  
13 attached to that first sheet of this exhibit?

14 A. Yes.

15 Q. Okay. So we'll start there. Just before you  
16 read the entire exhibit, the question was do you  
17 believe the discrimination occurred prior to the  
18 end of 2006, and then you were given an  
19 opportunity to read your entire charge. So the  
20 question is, do you believe that discrimination  
21 occurred prior to the end of 2006? And by  
22 discrimination I mean hostile work environment,  
23 or your pay act claims, all of the stuff that

1       you're claiming in this case that you claim had  
2       something to do with gender or race.

3     A.   Yes.

4     Q.   When?

5     A.   When I started performing more duties at work.

6     Q.   Okay. Was that sometime in 2005?

7     A.   When I started in 2006, the beginning.

8     Q.   Okay. The beginning of 2006?

9     A.   Yes.

10    Q.   Okay. So you think sometime in the beginning of  
11       2006 the discrimination started?

12    A.   Yeah.

13    MS. GRECO: Objection to form.

14    BY MR. OPPENHEIMER:

15    Q.   I'm just trying to figure out what you're saying.  
16       Prior to reading this --

17    A.   As my duties I learned more there, I wanted to  
18       learn more so that I could get better pay raises  
19       like the guys did. That's what their -- they  
20       were doing so I thought I could do that too to  
21       better myself because I was helping the company  
22       better.

23    MS. GRECO: He's asking about all your

1 thirteen dollars per hour.

2 Now, what I'm focusing on is the words you  
3 used, during the time of my employment. So your  
4 employment began in May of 2005. Are you  
5 claiming that the discrimination began when your  
6 employment began in May of 2005? Because you  
7 used the words during the time of my employment  
8 in this -- and in other parts of your appendix  
9 that I'll point out.

10 MS. GRECO: I object to the form of the question.

11 THE WITNESS: Yes.

12 BY MR. OPPENHEIMER:

13 Q. Okay. So when you refer to Sean Round, you  
14 referred to in the next paragraph it says that he  
15 was hired in 2005, and then you refer to the  
16 amount that he was being paid. So you believe  
17 that the pay discrimination claims that you have  
18 in this case arose back in or relates to the pay  
19 that he was receiving back in 2005?

20 A. Yes.

21 MS. GRECO: Object to the form. You can answer.

22 BY MR. OPPENHEIMER:

23 Q. You compare yourself to Sean Round in this case

1       for purposes of whether he was being paid more

2       for doing similar work?

3   A.   We were doing the same work.

4   Q.   I'm asking you if you compare yourself to Sean  
5       Round.

6   A.   Yes.

7   Q.   Okay. Do you compare yourself to Jamie Lapress?

8   A.   Yes.

9   Q.   For your pay claims?

10   A.   I could be.

11   Q.   Okay. You could be or you are comparing yourself  
12       to Jamie Lapress for your pay claims?

13   A.   Yes.

14   Q.   Are you comparing yourself to Mark Leible for  
15       your pay claims?

16   A.   Yes.

17   Q.   Okay. The paragraph after Sean Round refers to  
18       Patrick Howells in October to March each year  
19       during the time I was employed. So again, that  
20       is what I was focused on, trying to figure out if  
21       your pay claims began when your employment began.  
22       Right?

23   A.   Yes.

1       similarly situated males such as Mark Leible,  
2       Jamie Lapress, Sean Round and Patrick Howells  
3       have been paid at a higher salary rate for doing  
4       similar work, close quote.

5               What does that have to do with training or  
6       opportunities to do work?

7   MS. GRECO:   Objection to the form of the question.

8       Asked and answered.   She can tell you again.

9   THE WITNESS:   We were paid differently for doing the  
10       same stuff.

11   MR. OPPENHEIMER:   I'm not asking --

12   THE WITNESS:   I can't find it in here.

13   MS. GRECO:   Objection to form.   Don't guess.   Just  
14       answer the question he's asking you.

15   MR. OPPENHEIMER:   Counsel --

16   MS. GRECO:   You keep asking the same question.   She  
17       answered it.   You don't like it.   You want your  
18       answer, let her answer the way she wants.   It is  
19       what it is.

20   BY MR. OPPENHEIMER:

21   Q.   I'm going to put in front of you what's been  
22       marked as Exhibit D-8.   I have a copy for you.  
23       That is D-8.

1       you were working in the pack room, is it  
2       something that you regularly observed?

3     A.   Yes.

4     Q.   Paragraph -- read paragraph twenty-five to  
5       yourself, just like we did with paragraph  
6       twenty-four.

7     A.   Okay.

8     Q.   All right.   When did you first observe the facts  
9       on which the -- which are addressed in paragraph  
10      twenty-five?

11    A.   Towards the end of 2007.

12    Q.   And after you observed those facts, was that  
13       something that you regularly observed for the  
14       rest of your employment?

15    A.   I don't understand the question.

16    Q.   Okay.   You became aware that your time was being  
17       closely scrutinized whereas another male's was  
18       not, and you say that happened toward the end of  
19       2007, right?

20    A.   Yes.

21    Q.   What I'm asking you is, how long did that  
22       continue, that your time was scrutinized and the  
23       males' were not?



1 A. Until the end of my employment.

2 Q. Okay. Look at paragraph twenty-six.

3 A. Okay.

4 Q. When did you first observe the situation which is  
5 described in paragraph twenty-six?

6 A. Which situation?

7 Q. Oh, the fact that he was twenty minutes -- Jamie  
8 was twenty minutes or an hour and a half late and  
9 wasn't reprimanded?

10 A. The end of 2007.

11 Q. When did you first observe the situation  
12 involving him going behind the dumpster and  
13 smoking marijuana?

14 A. I can't recall.

15 Q. Are you able to say what year it was?

16 A. No.

17 Q. The next sentence, you say management was aware  
18 of this. Are you referring to the -- that Jamie  
19 was behind the dumpster smoking marijuana?

20 A. Yes.

21 Q. Who in management was aware of it?

22 A. Keegan Roberts.

23 Q. Okay. And you say someone was joking with Mr.

1           happened to you?

2   MS. GRECO:   Objection to form.

3   THE WITNESS:   It could be.

4   BY MR. OPPENHEIMER:

5   Q.   Tell me what happened that you think means that  
6       your time was closely scrutinized what happened  
7       that you're referring to as being a close  
8       scrutiny of your time?

9   A.   They kept tabs on all my breaks so I felt  
10       compelled to mark my timecards with every time I  
11       walked out the door to every time I walked in.

12   Q.   Okay.   And that began in I think you said  
13       sometime in 2007.

14   A.   Yes, the end.

15   Q.   Okay.   And this portion of paragraph twenty-nine  
16       where you're indicating that Keegan --

17   MS. GRECO:   Wait.   Wait.   We're not --

18   BY MR. OPPENHEIMER:

19   Q.   Twenty-five where Keegan would come out and he  
20       would look at his arm as if he were looking at  
21       his watch, did that also happen in 2007?

22   A.   I don't recall.   It happened, but I'm not sure of  
23       the time frame.

1 Q. Okay. Is this something that you regularly  
2 observed after you first became aware of it in  
3 2007, that your time was closely scrutinized?

4 A. Yes, when I began to work in the pack room.

5 Q. Okay. Is the -- is it also true for paragraph  
6 twenty-six that once you became aware of Jamie  
7 being treated more favorably, that is something  
8 you regularly observed through the end of your  
9 employment?

10 A. Yes.

11 Q. When did you first become aware of the situation  
12 involving Sean Round that is described in  
13 paragraph twenty-seven?

14 A. When I started working in the pack room.

15 Q. 2007?

16 A. Yes.

17 MS. GRECO: Did you read the whole thing? He's going  
18 to ask you questions about it.

19 THE WITNESS: I did.

20 BY MR. OPPENHEIMER:

21 Q. Okay. So it was -- Sean Round was treated  
22 differently in terms of getting Saturdays off,  
23 that's part of what you're alleging -- your

1 counsel alleged in paragraph twenty-seven?

2 A. Yes.

3 Q. And that is something you became aware of in  
4 2007?

5 A. Yes.

6 Q. And that continued for the balance of the period  
7 of time that Sean was employed there while you  
8 were employed?

9 A. Yes.

10 Q. Okay. Then you mentioned that he would come in  
11 anywhere from a half hour to an hour and a half  
12 late and would mark his timecard as if he arrived  
13 at the scheduled time. When did you become aware  
14 of that? I'm asking when you became aware of the  
15 timecard business that you have in paragraph  
16 twenty-seven.

17 MS. GRECO: I was just directing her to where it is  
18 so she knows where to read.

19 THE WITNESS: I don't recall when Tommy brought it to  
20 my attention.

21 BY MR. OPPENHEIMER:

22 Q. Is the basis for your knowledge about the  
23 timecard business involving Sean Round, that is

1 Q. You address that subject matter in paragraph  
2 twenty-nine where Matt Marshall was taking  
3 smoking breaks throughout the day?

4 A. Yes.

5 Q. All right. Is it your claim that you were not  
6 allowed to take smoking breaks throughout the day  
7 on the same basis that employees like Mark Leible  
8 and Matt Marshall were permitted to do so?

9 A. Yes.

10 Q. And is it your contention that is because of your  
11 gender?

12 A. Yes.

13 Q. And why do you believe it's because of your  
14 gender?

15 A. Because the guys got to do whatever they wanted.

16 Q. All right. Go to paragraph thirty-one, please.

17 MS. GRECO: Thirty-one?

18 MR. OPPENHEIMER: Yes.

19 MS. GRECO: Okay.

20 THE WITNESS: Okay.

21 BY MR. OPPENHEIMER:

22 Q. When did you first become aware of the situation  
23 which is described in paragraph thirty-one?

1 A. I don't recall.

2 Q. What is the -- strike that. During your -- the  
3 period of your employment at Black Angus, did you  
4 hear other male employees make comments of a  
5 sexual nature other than those that are listed or  
6 quoted in paragraph thirty-three?

7 A. Can you repeat the question?

8 Q. Yes. During the period of your employment at  
9 Black Angus, did you hear male employees make  
10 comments of a sexual nature other than the ones  
11 that are quoted in paragraph thirty-three?

12 A. Not that I can recall.

13 Q. Did you ever make comments of a sexual nature  
14 while you were employed?

15 MS. GRECO: Objection to the form.

16 THE WITNESS: What?

17 BY MR. OPPENHEIMER:

18 Q. Did you ever make comments of a sexual nature  
19 while you were employed at Black Angus?

20 A. No, I did not.

21 Q. Did you ever say in describing your husband that  
22 he's a two pump chump?

23 A. No, I did not.

1 MS. GRECO: Are you done with this one?

2 MR. OPPENHEIMER: Yes.

3 THE WITNESS: May of 2010.

4 BY MR. OPPENHEIMER:

5 Q. When is the last time you spoke to Regina Rush?

6 A. May of 2010.

7 Q. The last time you spoke to Taylor Kunzelman?

8 A. I don't recall.

9 Q. Patrick Howells, when is the last time you spoke

10 to him?

11 A. I don't recall.

12 Q. When is the last time you spoke to Roseanne

13 Barnes?

14 A. I think it was 2013.

15 Q. Did you talk about this case?

16 A. No.

17 Q. Did you talk about your claims against Black

18 Angus?

19 A. No.

20 Q. Do you have anything in writing concerning your

21 employment with Black Angus written by Roseanne

22 Barnes?

23 A. No.

1 A. No.

2 Q. All of your pay was through the paychecks -- the  
3 payroll system?

4 A. Yes.

5 Q. Okay. Turn to page P321 in Exhibit D-11. What  
6 is this page of Exhibit D-11?

7 A. A resume I had help with.

8 Q. Okay. Is it something that you prepared?

9 MS. GRECO: Objection to form.

10 THE WITNESS: I had help with it from One Stop.

11 BY MR. OPPENHEIMER:

12 Q. Okay. And is the substance of the information  
13 contained in this document something you provided  
14 so that it could be completed?

15 MS. GRECO: Objection.

16 THE WITNESS: I actually provided more, but he picked  
17 out stuff for me to put that was pertaining to  
18 the job I was applying for.

19 BY MR. OPPENHEIMER:

20 Q. With respect to the entry for a period of 4/04 to  
21 5/10, it says that there was -- you were customer  
22 service, cashier at Black Angus Meat Market. Do  
23 you see that?



1 A. Yes.

2 Q. Did you write that or did the One Stop person  
3 write that?

4 A. The One Stop clicked on the stuff that he wanted  
5 entered.

6 Q. Okay.

7 A. Pertaining to this job.

8 Q. Did you agree with this?

9 MS. GRECO: Objection to form.

10 BY MR. OPPENHEIMER:

11 Q. Did you agree with what he put in here?

12 A. Yes.

13 Q. Did you use this resume for any purpose?

14 A. For this job at the top.

15 Q. Okay. What job was that?

16 A. Adult care aid slash service provider.

17 Q. What company was that for?

18 A. The one that they had posted in the Unemployment  
19 office.

20 Q. Do you have a name for what company it was?

21 A. No, I don't. I don't recall at this time.

22 Q. The next page, P322, line eight, the pay you  
23 received at your last job, is that eleven dollars

1 Q. Okay. So it was 2005 to 2008?

2 A. Yes.

3 Q. As far as you were concerned, that's what you --

4 MS. GRECO: Objection to form.

5 BY MR. OPPENHEIMER:

6 Q. Well, you started working in 2005?

7 A. Yes.

8 Q. So you would know from 2005 forward rather than  
9 2004 forward, is that what you're saying?

10 A. Yes.

11 Q. Okay. So they worked during the period that you  
12 worked, they worked between 2005 and 2008?

13 MS. GRECO: Objection to form.

14 BY MR. OPPENHEIMER:

15 Q. Is that right? You saw them working in the store  
16 between 2005 and 2008?

17 A. Yes.

18 MS. GRECO: Objection to form.

19 BY MR. OPPENHEIMER:

20 Q. Okay. During that time period what did you hear  
21 about them having black boyfriends from other  
22 employees at Black Angus Meats?

23 A. That they should be with one of their own kind,

1       what's wrong with white guys.

2       Q.   Who said they should be with one of their own  
3       kind?

4       A.   Sean Round.

5       Q.   When?

6       MS. GRECO:  Is she done -- or, I mean, you went on,  
7       but is there more?

8       MR. OPPENHEIMER:  Well, there may be more.  I'll get  
9       to it.

10      MS. GRECO:  Okay.

11      BY MR. OPPENHEIMER:

12      Q.   Who said that they should be with one of their  
13      own kind?  You said Sean Round.  I asked when did  
14      that happen?

15      A.   When I was employed at Black Angus.

16      Q.   Before you were in the pack room or after?

17      A.   After.

18      Q.   Are you able to say what year?  Let me remind  
19      you, you said that Raelean and Regina worked --

20      A.   I know.  I can't remember if it was 2007 or 2008.

21      MS. GRECO:  The records speak for themselves when you  
22      worked there, but the best recollection you have  
23      now.

1 BY MR. OPPENHEIMER:

2 Q. The comment was made by Sean Round in 2007, 2008?

3 MS. GRECO: Objection to form.

4 BY MR. OPPENHEIMER:

5 Q. Is that what you're saying is best recollection?

6 A. Best recollection.

7 Q. What about what is wrong with white guys, who  
8 said that?

9 A. Sean Round.

10 Q. When did he say that?

11 MS. GRECO: Objection to form.

12 THE WITNESS: I can't recall at this time.

13 BY MR. OPPENHEIMER:

14 Q. To whom did he say it?

15 A. To Raelean.

16 Q. Were you present when that was said?

17 A. Yes. We were at the deer wrapping station that's  
18 offset from the pack room.

19 Q. Are you able to say what year that was?

20 A. I believe that one was in 2007.

21 Q. Okay. What other comments did you hear Sean  
22 Round make about Raelean or Regina's dating black  
23 guys?

1 break into it. And I says no, why would you ask  
2 me that and he says well, you have two black kids  
3 and that's what black people do. And I says my  
4 kids don't break into stuff, so why would he call  
5 -- why would he say that about my kids. He goes  
6 well, they're niggers. And I says that I can't  
7 believe you said that, and I got very upset and  
8 Tommy was right at the butcher block right by the  
9 other wrapping table and that's where Debbie was  
10 too. And Tommy and Debbie both told Jamie that  
11 his actions were inappropriate.

12 Q. You heard both of them say that?

13 A. Yes.

14 Q. Okay. Did Jamie say anything in response?

15 A. I don't know what he mumbled on the way to the  
16 washroom.

17 Q. Okay. Did anything happen after that involving  
18 Keegan and that incident?

19 A. I was called into the office by Bob and Keegan  
20 and I believe the 25th of May and they wanted to  
21 know what happened. I told them. They called  
22 Jamie in, asked him what happened and he told  
23 them that he wasn't talking to me and it was

1 nice.

2 Q. What happened next with respect to this incident?

3 A. Jamie -- he says okay, Jamie, you're done.

4 Keegan walked out the office door closest to the  
5 employee entrance and I talked with Bob then, and  
6 Bob told me that I would have to get used to  
7 things like that, people are mean and cruel, and  
8 I said so it's okay for one of my co-workers to  
9 call my kids niggers and he says it happens in  
10 politics and it happens in sports so I'm going  
11 have to get used to the idea.

12 Q. What was the date of this conversation?

13 A. I believe it was May 25th, and I told Bob then I  
14 was uncomfortable with the situation and he said  
15 -- no. I was uncomfortable with working with  
16 Jamie and he said he was uncomfortable with the  
17 situation also and I could leave now. I was  
18 punched in for work at about -- for about two and  
19 a half hours.

20 Q. At some point, you had written a letter about the  
21 incident to Robert and Diane?

22 A. Yes.

23 Q. I'm putting in front of you 195. On the very

1       lot of significant events in your life, but you  
2       never posted anything at all about your treatment  
3       at work?

4   MS. GRECO:   Objection to form.

5   THE WITNESS:   Not that I can recall.

6   BY MS. BAHAS:

7   Q.   Now, Miss Black, it's your claim that you were  
8       treated so badly at Black Angus you sought mental  
9       health counseling about the way you were treated,  
10      is that correct?

11   A.   Yes.

12   Q.   You claim you began receiving this mental health  
13       counseling regarding your treatment at work in  
14       2006?

15   MS. GRECO:   Object to the form.

16   THE WITNESS:   Among other things.

17   BY MS. BAHAS:

18   Q.   So is that a yes?

19   A.   Yes.

20   Q.   So then it clearly bothered you that you were  
21       subjected, in your view, to a hostile work  
22       environment at Black Angus, correct?

23   MS. GRECO:   Objection to form.

1 Q. Do you see the next line down, name of patient,  
2 Darcy Black?

3 A. Yes.

4 Q. Do you see that it's dated August 12th of 2009?

5 A. Yes.

6 Q. Now, I would like to direct your attention  
7 specifically to the third paragraph from the top.  
8 It starts with the words, she talked quite a bit  
9 about her work situation. Do you see where I'm  
10 referring to?

11 A. Yes.

12 Q. It states, she talked quite a bit about her work  
13 situation, how the men, they are not treating her  
14 very well and complaining that she takes breaks,  
15 which she's allowed to do. Although she has been  
16 there several years, she is looking around to  
17 find a new job and there might be a good prospect  
18 through a friend. Did I read that correctly?

19 A. Yes.

20 Q. Does that refresh your recollection as to whether  
21 or not you ever told a health care provider that  
22 you were considering quitting your job in 2009?

23 A. No.



1 A. Yes.

2 Q. What do you mean?

3 A. At the end. I met with an attorney.

4 Q. Regarding your bankruptcy?

5 A. Yes.

6 Q. When was that meeting?

7 A. I can't recall the exact date.

8 Q. Who was the attorney?

9 A. David Butterini.

10 Q. So your first meeting with Mr. Butterini was at  
11 the end of 2008?

12 MS. GRECO: Objection to form.

13 THE WITNESS: I'm not sure if that's when I met him.  
14 I know I did talk to his secretary on the phone.

15 BY MS. BAHAS:

16 Q. When was the first time you spoke with Mr.  
17 Butterini?

18 A. I can't recall.

19 Q. Approximately how many times did you speak with  
20 Mr. Butterini?

21 A. Three.

22 Q. You spoke with Mr. Butterini three times total,  
23 is that correct?

- 1 A. I believe so.
- 2 Q. So tell me about the first time you spoke with
- 3 him. Was that on the telephone or in person?
- 4 A. In person.
- 5 Q. Where did you have that meeting?
- 6 A. At his office.
- 7 Q. Who was present in his office when you had that
- 8 meeting?
- 9 A. Myself and Mr. Butterini.
- 10 Q. No one else was present?
- 11 A. No.
- 12 Q. After you concluded that first meeting, did you
- 13 speak with anyone about that meeting?
- 14 A. No.
- 15 Q. You never told your boyfriend at the time that
- 16 you met with Mr. Butterini?
- 17 A. I can't recall. He, maybe, knew I went there.
- 18 Q. Did he know you were filing for bankruptcy?
- 19 A. Yes, he did.
- 20 Q. How did he know that?
- 21 A. Because he witnessed the paperwork I had to fill
- 22 out.
- 23 Q. What paperwork?

1 A. A pamphlet of papers.

2 Q. Were these papers that you were giving to Mr.

3 Butterini or papers that you were submitting to

4 the court? What type of papers, specifically,

5 did he witness you filling out?

6 MS. GRECO: Objection to form.

7 THE WITNESS: David Butterini gave me a pamphlet of

8 papers to fill out and to bring back when I was

9 done.

10 BY MS. BAHAS:

11 Q. Your boyfriend saw you filling those out, or what

12 is your testimony related to that?

13 MS. GRECO: Objection to form.

14 THE WITNESS: I did them in the house. He must have

15 seen them. I didn't talk to him about it.

16 BY MS. BAHAS:

17 Q. So that's how you believe your boyfriend knew

18 that you were filing for bankruptcy?

19 A. Yes.

20 Q. He watched you filling out papers?

21 MS. GRECO: Objection to form.

22 THE WITNESS: I believe so.

23 BY MS. BAHAS:

1 (Whereupon, a short recess was then taken.)

2 THE COURT REPORTER: Eleven o'clock.

3 BY MS. BAHAS:

4 Q. Miss Black you mentioned that you filled out a  
5 pamphlet of papers for Mr. Butterini, is that  
6 correct?

7 A. Yes.

8 Q. How many pages was that pamphlet?

9 A. I don't know. I can't recall.

10 Q. You filled it out at home?

11 A. Yes.

12 Q. When did you fill that out?

13 A. I'm not sure.

14 Q. You had three meetings with him, correct?

15 A. Yes.

16 Q. Was it after the first meeting?

17 A. Yes.

18 Q. Before the second meeting?

19 A. Yes.

20 Q. Did you bring it to him for the second meeting?

21 A. I brought it to his secretary.

22 Q. Did you speak with his secretary about it?

23 A. Just when I handed it in and she said that he'll

1 THE WITNESS: He knows why I'm here today.

2 BY MS. BAHAS:

3 Q. But you never had a conversation with him about  
4 the fact that you resigned?

5 A. I might have said that I wrote a letter saying  
6 that I gave my two weeks' notice. I'm not sure  
7 when or where I was.

8 Q. You testified earlier that you would come home in  
9 tears after work occasionally, is that correct?

10 A. Yes.

11 Q. How often would that happen?

12 MS. GRECO: Object to the form.

13 THE WITNESS: Probably four days out of five.

14 BY MS. BAHAS:

15 Q. Four days out of five that you were working?

16 A. Yeah.

17 Q. For the entire period of your employment?

18 MS. GRECO: Object to form.

19 THE WITNESS: I don't know that. I can't remember  
20 when it started.

21 BY MS. BAHAS:

22 Q. Well, you began receiving mental health  
23 counseling regarding their treatment at Black

1 Q. Now, you said that you left work crying four out  
2 of five days because of the treatment you  
3 received at Black Angus.

4 A. Yes.

5 Q. Did you ever talk to Regina Rush about that?

6 A. She would sometimes see me leave crying.

7 Q. You said that she babysat your children, correct?

8 A. Her and her sister.

9 Q. Both of them babysat your children?

10 A. At the same time.

11 MS. GRECO: Object to the form.

12 BY MS. BAHAS:

13 Q. So is it fair to say you trusted them enough to  
14 watch your children?

15 A. Yeah.

16 Q. Did you ever have any conversation with them  
17 about any of the things that were bothering you  
18 in the workplace?

19 A. Like what bothered me?

20 Q. You tell me what bothered you.

21 MS. GRECO: Object to form.

22 THE WITNESS: I didn't discuss it with them. They  
23 knew when I was upset because they would see me